



487825

March 23, 2015

Leslie Patterson
Remedial Project Manager
U.S. Environmental Protection Agency
77 West Jackson Blvd (SR-6J)
Chicago, IL 60604-3590

Re: Response to Special Notice Letter for the South Dayton Dump & Landfill Site in
Moraine, Ohio

Dear Ms. Patterson:

Our office represents ConAgra Grocery Products Company, LLC ("CGPC"). This letter responds to the January 16, 2015 Special Notice Letter regarding the South Dayton Dump & Landfill Site in Moraine, Ohio ("Site"), from Joan Tanaka, Chief, Remedial Response Branch 1. Ms. Tanaka's letter invites CGPC and other companies to negotiate an agreement to perform a Remedial Investigation/Feasibility Study ("RI/FS") for the Site.

The Special Notice Letter provides no information connecting CGPC to the Site. CGPC has been a defendant in lawsuit filed by three companies that have previously conducted an RI/FS for the Site, in the case caption Hobart Corporation, et al. v. Waste Management of Ohio, et al., Case No. 3:13-CV-115, in the United States District Court, Southern District of Ohio, Western Division. The Plaintiffs in this case have alleged that CGPC is a successor corporation to McCall Corporation ("McCall"). The referenced Special Notice Letter also does not provide any information connecting McCall to the Site.

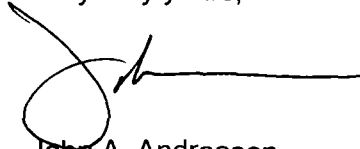
CGPC has investigated its potential liability at the Site under the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), and has found no credible evidence of liability for contamination at the Site. Accordingly, CGPC respectfully declines to participate in the response actions for the Site, with respect to negotiation of a Consent Order to perform a RI/FS for the Site or to reimburse USEPA for its past costs related to the Site. CGPC will respond to the EPA's request for information in the Special Notice Letter, to the extent required by law, and remains open to further communications with the EPA and the SNL recipients with respect to this matter.

Please direct all future communications regarding this matter to the undersigned, John A. Andreasen, legal counsel for CGPC:

John A. Andreasen
McGrath North Mullin & Kratz, PC LLO
First National Tower, Suite 3700
1601 Dodge Street
Omaha, NE 68102
(402) 341-3070

March 23, 2015
Page 2

Very truly yours,



John A. Andreasen

JAA:nv
Enclosure

cc: Thomas Nash, Esq.